

To: Ex. 6 - Personal Privacy
Cc: Burdick, Melanie[Burdick.Melanie@epa.gov]
From: McKim, Krista
Sent: Fri 12/2/2016 8:44:22 PM
Subject: RE: Back Forty Project - Menominee River Protection

Hello!

Thank you for checking in. I'm copying Melanie Burdick on this response as she is the point of contact for the wetlands related issues.

I am not aware of any studies that discuss effects of noise and vibration on fish or other aquatic life. However, I am an engineer and not an aquatic biologist. Have you posed that question to the Fish and Wildlife Service?

Also, when your email came in I remembered that you had asked previously for updates on EPA's financial assurance rulemaking. The rule was proposed last night. Comments are being taken for 60 days:

EPA Proposes Financial Responsibility Requirements for Hardrock Mining Industry

WASHINGTON – Following a court order and Congressional directive under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the U.S. Environmental Protection Agency (EPA) today is taking action to protect American taxpayers by proposing financial responsibility requirements for the hardrock mining industry.

This proposal would require that owners and operators of certain classes of hardrock mines and mineral processing facilities show financial ability to address risks from hazardous substances. Since the 1980s, EPA has spent considerable resources cleaning up contamination from hardrock mines. The most recent analysis, from 2010 to 2014, shows that the Agency spent nearly \$1.1 billion on response and cleanup actions on hardrock mining and mineral processing sites.

"Far too often the American people bear the costs of expensive environmental cleanups stemming from hardrock mining and mineral processing," said Mathy Stanislaus, Assistant Administrator for the agency's Office of Land and Emergency Management. "This proposed rule, once finalized, would move the financial burden from taxpayers, and ensure that industry assumes responsibility for these cleanups. The proposed rule would also give companies an economic incentive to use environmentally protective practices that can help prevent future releases."

This proposal is the result of many years of incremental steps since the Agency identified hard rock mining as the first sector for development of these regulations. The Agency extensively consulted with stakeholders, including small businesses, industry groups, environmental groups, and state and tribal governments.

These proposed requirements complement existing financial responsibility requirements. Facilities that apply

environmentally protective practices—including those required by other regulations—may be able to reduce their required amount of financial responsibility under the proposed rule.

In addition, as requested by Congress, EPA published a market capacity study to examine the availability of financial responsibility instruments for this proposal. The study illustrated the likely probability of sufficient providers and capacity to meet requirements of a future CERCLA 108(b) regulation for hardrock mining.

In a separate action, the EPA Administrator also signed a Regulatory Determination Notice stating the agency's determination to issue notices of proposed rulemaking on similar financial responsibility requirements for three additional industries: chemical manufacturing; electric power generation, transmission and distribution; and petroleum and coal products manufacturing. This notice is not a determination that regulatory financial assurance requirements are necessary for any of these three industries. The notice explains that EPA intends to move forward with the regulatory process, which will determine what, if any, financial responsibility requirements are necessary for these industries.

The hardrock mining proposal and the notice on determination for additional classes of industries will be published in the Federal Register in the coming weeks. The proposal will be available for public comment for 60 days following publication in the Federal Register. EPA invites stakeholders and the public to share their expertise by providing comments on the proposed rule for the hard rock mining industry during the public comment period. EPA is not establishing a public comment period on the Regulatory Determination Notice.

A pre-publication version of the rule is available for review at: <https://www.epa.gov/superfund/superfund-financial-responsibility>.

A pre-publication version of the Regulatory Determination Notice for additional industries may be viewed at: <https://www.epa.gov/superfund/superfund-financial-responsibility>.

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If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

From: Ex. 6 - Personal Privacy
Sent: Friday, December 02, 2016 2:35 PM
To: McKim, Krista <mckim.krista@epa.gov>
Subject: Re: Back Forty Project - Menominee River Protection

Hi Krista,

Am checking in for an update on this mine permit application. At the end of the letter from Tinka Hyde to Colleen O'Keefe it says the Michigan DEQ has 90 days to resolve the issues in the letter. Letter is dated August 15, 2016, so it's past the 90 days.

Wondering who controls this application? Michigan DEQ or U.S. Army Corps of Engineers?
Another entity?

Now for a techy question. The Fish and Wildlife Service letter to the Michigan DEQ stated that fish move away from areas that have excessive concentrations of copper and zinc (and maybe other chemicals).

Am wondering if there are studies about the affects of excessive vibrations and noise caused by the blasting, etc., that would be used to create an open pit/underground mine? If the fish move away does this include all life forms? If so, does this create a "dead zone" in the affected area? Any facts or thoughts on this idea would be appreciated?

Hope all is well and I appreciate your help on this mining issue.

Thanks,

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----- Original Message -----

From: McKim, Krista

To: Dick Dragiewicz

Sent: Wednesday, October 05, 2016 6:22 AM

Subject: RE: Back Forty Project - Menominee River Protection

Hi Dick,

Here is the link to information on EPA's financial assurance rulemaking effort. You can find more info by following the links contained on this page as well.

<https://www.epa.gov/superfund/superfund-financial-responsibility>

attached is the letter that our wetlands program sent to the state regarding the wetlands permit.

the NPDES program has not sent formal comments out yet. I can check with our Air program and see if they have sent any on the draft air permit.

safe travels and good luck at the hearing

Krista

Krista McKim, P.E.

Environmental Engineer

US EPA, Region 5

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From: **Ex. 6 - Personal Privacy**
Sent: Tuesday, October 04, 2016 4:51 PM
To: McKim, Krista <mckim.krista@epa.gov>
Subject: Back Forty Project - Menominee River Protection

Hi Krista,

Thanks for talking with me this afternoon about this proposed mine and its environmental issues. Hopefully the Public Hearing will make sure the MDEQ understands that no one wants this mine, other than Aquila and their vendors.

Earlier this year the Save the Wild UP entity had an online letter stating its opposition to the mine. It asked the public to support this opposition by signing this letter. The results of this online letter and another online comment arrangement produced nearly 2,000 comments. 98% of the comments were against the mine. This supports my assumption that the only folks that want the mine are Aquila and their vendors.

The attachments to this note are letters from fishing/conservation groups that have been sent via email or will be delivered by me to the MDEQ at the Public Hearing on Thursday.

The other attachment provides links to newspaper articles and information on the Menominee Indian Tribe and their opposition to this mine.

Please send me any of the EPA's reports and correspondence on the Back Forty Project that's allowed.

Tomorrow I'll send you the opposition letter I'm going to submit to the MDEQ at the Public Hearing. Need to tune it up based on our discussion. Will also send my thoughts/questions about "financial assurances".

Thanks,

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